

EDMUND G. BROWN JR., Attorney General
of the State of California
JOSE R. GUERRERO, State Bar No. 97276
Supervising Deputy Attorney General
CATHERINE E. SANTILLAN
Senior Legal Analyst
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5579
Facsimile: (415) 703-5480

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DAWN L. WILLIS
216 McDonald Way
Bakersfield, CA 93309

Respiratory Care Practitioner License No. 22952

Respondent.

Case No. 1H 2007 354

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 13, 2009, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation No. 1H 2007 354 against Dawn L. Willis (Respondent) before the Respiratory Care Board.

2. On or about April 28, 2003, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. 22952 to Respondent. The license expired on August 31, 2006, and has not been renewed.

3. On or about January 13, 2009, Andrea Pina, an employee of the Complainant Agency, served by Certified and First Class Mail a copy of the Accusation No. 1H 2007 354, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 216 McDonald Way, Bakersfield, CA 93309. A copy of the Accusation, the

1 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
2 herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the
4 provisions of Government Code section 11505, subdivision (c).

5 5. Business and Professions Code section 118 states, in pertinent part:
6 "(b) The suspension, expiration, or forfeiture by operation of law of a license
7 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
8 board or by order of a court of law, or its surrender without the written consent of the board, shall
9 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
10 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
11 any ground provided by law or to enter an order suspending or revoking the license or otherwise
12 taking disciplinary action against the license on any such ground."

13 6. Government Code section 11506 states, in pertinent part:
14 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
16 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
17 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

18 7. Respondent failed to file a Notice of Defense within 15 days after service
19 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
20 Accusation No. 1H 2007 354.

21 8. California Government Code section 11520 states, in pertinent part:
22 "(a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions or
24 upon other evidence and affidavits may be used as evidence without any notice to
25 respondent."

26 9. Pursuant to its authority under Government Code section 11520, the Board
27 finds Respondent is in default. The Board will take action without further hearing and, based on
28 Respondent's express admissions by way of default and the evidence before it, contained in

1 Exhibits A through G, finds that the allegations in Accusation No. 1H 2007 354 are true.

2 10. The Respiratory Care Board further finds that pursuant to Business and
3 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed
4 for in the Accusation total \$1,010.00, based on the Certification of Costs contained in Exhibit G.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent Dawn L. Willis has
7 subjected her Respiratory Care Practitioner License No. 22952 to discipline.

8 2. A copy of the Accusation and the related documents and Declaration of
9 Service are attached.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Respiratory Care Board is authorized to revoke Respondent's
12 Respiratory Care Practitioner License based upon the following violations alleged in the
13 Accusation:

14 Respondent is in violation of Business and Professions code sections 3750(d),
15 3752, CCR 1399.370(a) and (b) in that she has two substantially-related convictions: in 2007, she
16 was convicted of violating Penal Code sections 460(b) [larceny], Penal Code section 496(a)
17 [possession of stolen property] and Penal Code section 470(a) [forgery] and in 2008, she was
18 convicted of violating Penal Code section 496(a) [receiving known stolen property.]

19 5. Respondent is hereby ordered to pay the above costs of investigation and
20 enforcement of this action.

21 ORDER

22 IT IS SO ORDERED that Respiratory Care Practitioner License No. 22952,
23 heretofore issued to Respondent Dawn L. Willis, is revoked.

24 Respondent is ordered to reimburse the Respiratory Care Board the amount of
25 \$1,010.00 for its investigative and enforcement costs. The filing of bankruptcy by Respondent
26 shall not relieve Respondent of her responsibility to reimburse the Board for its costs.
27 Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all
28 costs ordered under Business and Professions Code section 3753.5 have been paid.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 29, 2009.

It is so ORDERED February 27, 2009

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

willis_d_default_rvk.wpd
DOJ Matter ID: SF2008200873

Attachments:

- Exhibit A: Accusation No.1H 2007 354, Related Documents, and Declaration of Service
- Exhibit B: June 22, 2007 Bakersfield Police Department report GO 2007-104329
- Exhibit C: Certified copy of court documents for June 26, 2007 conviction:
Criminal Complaint, Register of Actions/Docket and Order
Granting Probation and Sentence Elements in *People of the State of California vs. Dawn Lynn Willis*, Kern County Superior Court case no. BM713092
- Exhibit D: August 25, 2008 Bakersfield Police Department report GO 2008-193619
- Exhibit E: Certified copy of Register of Actions/Docket in *People of the State of California vs. Dawn Lynn Willis*, Kern County Superior Court case no. BM713092
- Exhibit F: Certified copy of Criminal Complaint, Register of Actions/Docket in *People of the State of California vs. Dawn Lynn Willis*, Kern County Superior Court case no. BF124652
- Exhibit G: Certification of Costs: Declaration of Catherine Santillan